

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MICHAEL COREY JENKINS  
EDDIE TERRELL PARKER

PLAINTIFFS

V.

CAUSE NO. 3:23-cv-374-DPJ-FKB

RANKIN COUNTY, MISSISSIPPI, ET AL.

DEFENDANTS

**MOTION TO DISMISS FOR INSUFFICIENCY OF PROCESS**

COMES NOW Jeffrey Middleton, appearing specially for the purpose of contesting the sufficiency of process on him, and, without waiving any other objections and defenses which he has, moves the Court to dismiss this action, pursuant to Federal Rules of Civil Procedure 12(b)(4), on the ground that Jeffrey Middleton has not been served with process so as to be made a party to this action. In support thereof, Jeffrey Middleton would show unto the Court the following:

1. On or about December 12, 2023, while incarcerated, Jeffery Middleton was handed two pieces of paper which are attached hereto and made a part hereof as though fully copied herein.
2. One is a summons which was accompanied by one piece of paper which is unreadable, but it appears that it may be a reverse copy of the summons.
3. There was no complaint served on Jeffrey Middleton in violation of Federal Rules of Civil Procedure Rule 4(c)(1).
4. No complaint having been served with the summons violates the rules and therefore defendant Jeffrey Middleton moves this Court to dismiss the cause against him with prejudice.

WHEREFORE, PREMISES CONSIDERED, Jeffrey Middleton moves the Court to dismiss the present action as to him and that Plaintiffs be liable for all costs of court incurred herein and for such other relief to which he may be entitled in the premises, general, specific, legal and equitable.

DATED, this the 2nd day January, 2024

Respectfully submitted,  
Jeffrey Middleton

/s/Clarence McDonald Leland MB#9739

Of Counsel:

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CERTIFICATE OF SERVICE

I, Clarence McDonald Leland, do hereby certify that I have this day filed on CMEC the above document which has been transmitted by electronic means to all counsel of record.

This the 2nd day of January, 2024.

/s/Clarence McDonald Leland